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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1387th MEETING

Held at Headquarters, New York,
on Friday, 9 August 1991, at 10 a.m.

Chairman: Mr. ALARCON DE QUESADA (Cuba)
(Vice-Chairman)

later: Mr. SLABY (Czechoslovakia)
(Vice-Chairman)

- Question of Pitcairn: Report of the Subcommittee on Small Territories

- Question of St. Helena: Report of the Subcommittee on Small Territories

- Question of the Trust Territory of the Pacific Islands: Report of the Subcommittee on Small Territories

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- Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands, United States Virgin Islands: Report of the Subcommittee on Small Territories

- Questions of the United States Virgin Islands, Guam and the Trust Territory of the Pacific Islands

  Hearing of petitioners

- Requests for hearing

- Question of Sending Visiting Missions to Territories

- 285th Report of the Subcommittee on Petitions, Information and Assistance

- Question of the Falkland Islands (Malvinas)

In the absence of the Chairman, Mr. Alarcon de Quesada (Cuba), Vice-Chairman, took the Chair.

The meeting was called to order at 11.05 a.m.

QUESTION OF PITCAIRN: REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES (A/AC.109/L.1762)

QUESTION OF ST. HELENA: REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES (A/AC.109/L.1763)

QUESTION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS: REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES (A/AC.109/L.1764)

QUESTIONS OF AMERICAN SAMOA, ANGUILLA, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, GUAM, MONTSERRAT, TOKELAU, TURKS AND CAICOS ISLANDS, UNITED STATES VIRGIN ISLANDS: REPORT OF THE SUBCOMMITTEE ON SMALL TERRITORIES (A/AC.109/L.1765)

The CHAIRMAN (interpretation from Spanish): I call on the representative of Venezuela, Mr. José Acosta Fragachan, Rapporteur of the Subcommittee on Small Territories, to introduce the Subcommittee's reports.

Mr. ACOSTA FRAGACHAN (Venezuela), Rapporteur of the Subcommittee on Small Territories (interpretation from Spanish): We are already half-way through the present session and I should like to congratulate you, Sir, on the skill and patience with which you have been guiding our meetings. I am certain that under your leadership we shall be able to adopt in a timely and harmonious fashion the conclusions envisaged for this year.

I consider it a privilege both for my country and for me to introduce the reports of the Subcommittee on Small Territories. The members of the Subcommittee have endeavoured to attain the objectives set forth in the report of the Working Group, namely, the consolidation and rationalization of our draft resolutions. I should like to thank the Chairman of the Working Group, Ambassador Renagi Renagi Lohia of Papua New Guinea, for the way in which he guided our work and for his tireless efforts in discharging our mandate.

(Mr. Acosta Fragachan,
Rapporteur, Subcommittee
on Small Territories)

As a result of the innovative approach we followed in our work we are able to present four reports for the Committee's consideration, instead of the usual 13. The first is contained in document A/AC.109/L.1765, covering 10 Territories: American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands. It contains two chapters: chapter I, Consideration by the Subcommittee of these Territories and chapter II, Adoption of the draft omnibus resolution, in keeping with the Working Group's recommendation. The omnibus resolution I have the honour to introduce deals, in part A, with all the characteristics and conditions that apply to the 10 Caribbean and Pacific Territories and, in part B, with the specific conditions prevailing in each of the Territories.

The result, as can be seen, is a set of more concise and complete conclusions and recommendations arrived at following a detailed examination of the Territories, taking duly into account their populations' interests. The first reactions of the representatives of the Territories - who provided ideas and information - are very encouraging, as are those of the representatives of the administering Powers. Hence, I hope that the Committee will support our work.

(Mr. Acosta Fragachan,
Rapporteur, Subcommittee
on Small Territories)

The Subcommittee has also adopted three separate reports on Pitcairn (A/AC.109/L.1762), St. Helena (A/AC.109/L.1763) and the Trust Territory of the Pacific Islands (A/AC.109/L.1764), which, unfortunately, and for obvious reasons, could not be included in the same document on the 10 Territories I introduced earlier. The Subcommittee has used the same procedures for these three Territories in the hope of being able to include them all in a single report in the near future.

As can be seen in the reports members have before them, the Subcommittee has stressed the well-being of the peoples of the Non-Self-Governing Territories, and has urged them to participate in our work to make it clear that it is exclusively their province freely to decide their future status.

Permit me to add that the Subcommittee noted that some administering Powers demonstrated goodwill and a spirit of cooperation. It sincerely hopes that this trend will continue and that all the other administering Powers will follow suit.

Lastly, I should like to point out that all the draft resolutions include a renewed request for the dispatch of visiting missions. This is a genuine concern of the Subcommittee's members and of the representatives of the Territories who have been in contact with the Subcommittee through written and oral petitions. The Subcommittee has indeed achieved an extremely strong consensus on the importance of visiting missions as a means of observing and closely evaluating the aspirations of the peoples of the Non-Self-Governing Territories.

Before concluding, I should like to thank all our colleagues who are members of the Subcommittee, the Secretariat, especially our close partners

(Mr. Acosta Fragachan,
Rapporteur, Subcommittee
on Small Territories)

the interpreters, and all those persons whose efforts and cooperation have made it possible for the Subcommittee on Small Territories successfully and fully to fulfil its mandate.

The Subcommittee hopes that the draft reports introduced today can be adopted by the Committee as soon as possible.

The CHAIRMAN (interpretation from Spanish): I thank the Rapporteur of the Subcommittee on Small Territories for his introductory remarks. I should also like to thank all the members of the Subcommittee for their constructive contributions to its work.

The Committee will continue consideration of the reports at a subsequent meeting, with a view to taking action thereon.

QUESTIONS OF THE UNITED STATES VIRGIN ISLANDS, GUAM AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

HEARING OF PETITIONERS

The CHAIRMAN (interpretation from Spanish): As members will recall, at our 1381st and 1383rd meetings, held on 1 and 7 August, the Committee granted requests for hearing relating to the United States Virgin Islands (aide-mémoire 17/91 and Add.1); Guam (aide-mémoire 14/91) and the Trust Territory of the Pacific Islands (aide-mémoire 19/91).

At the invitation of the Chairman, Ms. Judith L. Bourne (Save Long Bay Coalition, Inc.) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Spanish): I call on Ms. Bourne.

Ms. BOURNE: On behalf of the Save Long Bay Coalition and of the people of the United States Virgin Islands, I wish to thank you, Mr. Chairman, and the other members of the Special Committee, for the opportunity to provide

(Ms. Bourne)

updated information on the continuing controversy over the degradation of the navigable waters of the Charlotte Amalie harbour and the destructive commercial development of the shoreline by the West Indian Co., Ltd., a foreign economic interest that is exempt from normal governmental regulatory controls.

We are acutely aware that the Special Committee's practice of considering and adopting individual resolutions on each of the Non-Self-Governing Territories under its purview has stimulated the appraisal of the specific conditions within each Territory, a procedure that the Save the Long Bay Coalition believes is essential, given the diversity of conditions and levels of political development in the various Territories.

The particular matter on which the Coalition has been privileged to address the Committee is somewhat unique. While it is comprised of issues that have been directly taken up by the Special Committee since at least 1974, the particular combination of issues and the way in which they interact is not common. As the Save Long Bay Coalition searched for a forum in which to make the world aware of our problem in 1987, we were encouraged to find that the United Nations Special Committee on decolonization dealt with each Non-Self-Governing Territory as a separate entity with its own peculiar characteristics. This was a very real factor in our decision to bring our concern to the attention of the Special Committee that year.

The reception we received, and our perception of the Committee's work, encouraged us to return and to present our information the following year to the Subcommittee so that our information could be included in its work. We did so because we recognized that the Special Committee did indeed consider and report on the specific situation within each Territory, as shown by its

(Ms. Bourne)

report, which comments on distinctive aspects of individual territorial development in the context of the general principles of self-determination. These reports and the resolutions that flow from them are useful not only to the world community but also to the many inhabitants of the Territory who are thus provided with a comprehensive overview of principles applicable to our social, economic and political development and a perspective on local matters pertinent to that development, which might not otherwise be readily available.

The manner in which the West Indian Co., Ltd. - known as WICO - obtained confirmation of its right to reclaim and own submerged land in the harbour of our capital illustrates the serious need for such a perspective. That history has been recounted to the Committee in past years, and need not be repeated here at length. I will therefore simply outline how this situation came to be.

The Treaty of Cession by which the United States of America purchased the United States Virgin Islands from Denmark in 1917 committed the United States to maintain a concession to the West Indian Co., Ltd., although the terms of the concession were never clarified. The Treaty of Cession also provided that all questions regarding the interpretation or application thereof were to be resolved through the diplomatic channel or, failing that, through recourse to the International Court of Arbitration.

In 1968 the administering Power, as the owner of the submerged lands of the Territory, brought a lawsuit against WICO, asking the court to confirm that whatever rights WICO may have had under the 1913 concession had lapsed or had been abandoned, owing both to the passage of time and to the acknowledged failure of the company to maintain the harbour. No hearing was held and no decision was ever taken on the merits of the case. The United States judge assigned to hear the case recommended that the Government of the Virgin

(Ms. Bourne)

Islands request the Government of the United States to settle the matter. This was done, and the then Governor and the then legislature of the United States Virgin Islands confirmed the settlement agreement by legislation.

(Ms. Bourne)

This "agreement" purported to take action which we contend was of no legal effect because, among other grounds, it was ultra vires as attempting to convey submerged lands to a private commercial interest in violation of the principle recognized in the United States and in accepted customary international law that such submerged lands are held by Governments in trust for their people and cannot be transferred except in a few very limited circumstances. None of those circumstances existed in this case.

Further, the claim of the West Indian Company (WICO) was flawed in that there were serious legal problems surrounding the grant of the initial concession.

Two days after this "agreement" was signed in 1974, the administering Power conveyed all submerged and filled lands to the Virgin Islands Government in trust for the people of the Virgin Islands.

As early as 1977, public concern was such that the Virgin Islands Conservation Society convened a public meeting on the situation. At that time, a representative of the business and commercial interests in St. Thomas forcefully objected to WICO's project, saying that "because this area - Long Bay - is zoned for commercial use, the possible consequences are horrifying".

About four years after the "agreement", the Virgin Islands enacted the Coastal Zone Management (CZM) Act to administer and protect its submerged and filled trust lands. Within months, although it had taken no action since the purported "agreement", WICO claimed that the Act was a breach of that "agreement" and threatened to sue the Virgin Islands Government for $US 5 million if its "rights" under the agreement were not exempted from that Act.

(Ms. Bourne)

In an atmosphere of intimidation, the Legislature held public hearings and, even though the company publicly reiterated its threat to sue, the public was clearly against what was seen as the capitulation of the Government.

The League of Women Voters, which had fought particularly hard for the passage of the Coastal Zone Management Act, was especially disturbed to hear legislators complain that there was no way out of the dilemma other than passage of the legislation demanded by WICO.

After the exemption was enacted, WICO took the position that it should be given the necessary permits without the usual public hearings because of its special dispensation from the CZM law. There was renewed public outcry at that, however, and a hearing was held in 1983. The testimony of the League of Women Voters at that hearing cited a number of serious effects of the proposed project on the economy, ecology and infrastructure of the Virgin Islands. The Virgin Islands Conservation Society went on record as "unalterably opposing any further encroachment on the St. Thomas harbour". About 20 other individuals and groups made statements at the CZM hearing. All speakers, except representatives of WICO and its direct associates, vociferously opposed the project.

When word came that the company was about to begin actual dredging in the harbour in the spring of 1986, the Save Long Bay Coalition, Inc. was formed, with representatives of the Virgin Islands Conservation Society and the League now joined by the St. Thomas Historical Trust and Virgin Islands 2000. The Coalition brought the issue to the public once again, and received such wide support that the Legislature called a public hearing on the issue for 26 June 1986, which had to be extended to 27 June.

(Ms. Bourne)

On 7 July 1986, the Legislature voted to repeal the "agreement" and the exemption. The then Governor, Juan Luis, vetoed the repeal, but the Legislature overrode the veto in early August. Faced with this act of the people of the Virgin Islands, WICO turned to the courts of the administering Power and filed suit against the Virgin Islands Government to overturn the repeal act.

Despite the efforts of the Save Long Bay Coalition, which defended the lawsuit in the place of the then Government which refused to defend it, the courts of the administering Power refused to consider the international law issues raised or the status of the Virgin Islands as a Non-Self-Governing Territory. Instead, they utilized principles of law which had been developed with regard to the constituent units of the United States, and ruled in favour of the company. The Supreme Court of the United States refused to hear an appeal on the grounds that, as an unincorporated territory and not a constituent part of the United States, the Virgin Islands did not have a right of appeal.

While the case was still in the courts, the present Governor, the Honourable Alexander A. Farrelly, was elected. His letter to the United States Secretary of State requesting that the administering Power affirm that "the controversy involved the interpretation and application of an international agreement which, by its terms, requires that such a dispute be resolved by specified non-judicial means", so that the controversy could be removed from the courts, went unanswered.*

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* Mr. Slaby (Czechoslovakia), Vice-Chairman, took the Chair.

(Ms. Bourne)

The United States Department of State has taken a strictly "hands-off" attitude, which is not in accord with General Assembly resolution 43/44 of 1988, which states that the issue "should be addressed by the administering Power". It - the Department of State - has suggested that the Territorial Government accept its loss of authority and control, or that it utilize the power of eminent domain to purchase the submerged and filled lands from the company.

The harbour of St. Thomas has always been important both as a hatchery for crabs, lobsters and fish, and as a port. Recently restrictions have been placed on the fisheries of St. Thomas because of the acknowledged danger of depletion. WICO's dredge-and-fill operation has reduced the aquatic hatchery area and has also encroached on the sea lane around a major marina.

The beach which the dredging and filling destroyed provided local residents with access to the bay and was the only beachfront within walking distance of the town. Until this activity by WICO, fishermen launched their boats, and sold their catch, from that beach.

The area surrounding Long Bay contains three public housing communities, a senior citizens home, hundreds of family dwellings, four public schools, five shopping centres, the island's only hospital, a major hotel and marina and some of the most congested traffic patterns on St. Thomas. WICO has now proposed intensive development which would wall off that community from the sea with the construction of multi-story commercial buildings.

In the past year, WICO has extended its 70-year-old dock at Long Bay. This will channel revenue from the government-owned cruise ship docks at Crown Bay at the other end of Charlotte Amalie, as the company, WICO, is the agent for virtually all of the cruise ship lines which come to St. Thomas. Even before the extension, the government docks were grossly underutilized.

(Ms. Bourne)

WICO's plans would create the largest tourist/marina/shopping complex in the Territory, right next to their dock.

The destructive impact of this will be catastrophic on the surrounding community, which has an already stressed infrastructure, and on the downtown business district, the internationally known "Main Street, St. Thomas", which will be rendered largely redundant. It will also devastate the taxi industry, the only aspect of the tourism industry in the Territory which is controlled by local people.

(Ms. Bourne)

The existence of this situation has also had a disturbing effect on the Government's Comprehensive Land and Water Use Plan, which is nearing completion. Although future hotel and tourist development was envisaged for the less developed areas in the eastern part of St. Thomas, and although there is a clear need for open recreational green space in the central Long Bay area, WICO's exemption from local regulation, which was confirmed by the court of the administering Power, has taken control of the use of this area out of the hands of the Government. These zoning restrictions simply will not apply.

The Government of the United States Virgin Islands, through Governor Farrelly, has made clear that it cannot accept this limiting of its sovereignty over its navigable waters and submerged lands. The Governor has made clear that the Government cannot acquiesce in the loss of regulatory control over a major natural resource, such as the shoreline and harbour of our capital.

The vast majority of the people of St. Thomas have consistently shown their opposition to this development. The non-voting Virgin Islands delegate to the United States Congress has recently declared publicly the need for the Government to regain ownership of the land and stop the "obscene use of this precious natural resource".

Territorial Senator Lorraine L. Berry has stated:

"In my view it would be a major tragedy if this piece of property were allowed to be converted into a part of the concrete jungle"

as proposed by WICO.

Both of these public officials, and ordinary residents who have expressed their views in numerous letters to the editor in the local newspaper, have

(Ms. Bourne)

called for the purchase of the property for the Government and its transformation into a public park.

Governor Alexander A. Farrelly has appealed once again to the Secretary of State of the administering Power for the assistance which is needed for the acquisition of the property. The United States Department of State concedes that the Territory's final and only resort is the use of the power of eminent domain to purchase the property. That requires the payment of market value by the Government.

In 1989, Governor Farrelly publicly said:

"I cannot responsibly promise to exercise eminent domain when the Territory does not at this time have the resources to purchase the property. While my views on the issue are well known, and I have written to the State Department asking that they intervene on behalf of the people, I cannot, after all the present needs of our people, make that a priority".

Since then, the widespread destruction wrought by hurricane Hugo has only worsened the situation. Basic services and structures battered by the storm had to be replaced, buildings originally scheduled for repairs had to be completely rebuilt, and the economic dislocation resulted in decreased government revenues.

The Governor is requesting that the administering Power assist in the acquisition of the funds necessary for the use of the power of eminent domain. This is particularly appropriate in light of the fact that the present situation is the result of both the specific language in the Treaty of Cession agreed to by the United States and the recent actions of the United States courts, as detailed above.

(Ms. Bourne)

It is clear both that the Government is unable to act without such assistance and that any delay will increase the cost of reacquisition as WICO moves forward with its development.

The Save Long Bay Coalition calls on this body to reaffirm its recommendation to the General Assembly in 1988 that the administering Power be called upon to address this matter and to assist the territorial Government in finding the resources to acquire the property.

Unfortunately, last year's resolution did not reflect the actual situation. It contained the following inaccurate language:

> "the issue had been settled by litigation and that the activities [of WICO] were subject to the regulatory powers of the Government of the Territory". (resolution 45/31)

In addition, last year's report noted the statement of the repesentative of the territorial Government that it would seek external resources to acquire the property. This year Governor Farrelly has made a direct and specific request to the administering Power for assistance.

Given the lack of response in the past on this issue by the administering Power, it is indeed appropriate for this body to include language urging that Power to take action to assist the territorial Government in this regard.

The loss of normal regulatory authority over submerged land in a navigable waterway, the loss of control over a major natural resource to a private entity completely owned by persons foreign to the Territory and the erection of a major commercial complex in an already crowded, overstressed area which will have substantial negative impacts on the social and economic welfare of the community - all against the will of the people and Government of this Non-Self-Governing Territory - cannot be permitted.

(Mr. Bourne)

I thank the Special Committee for its continuing consideration and support.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Aurelia Rashid (Virgin Islands 2000) took a place at the petitioners' table.

The CHAIRMAN: I now call on Ms. Rashid.

Ms. RASHID: I am pleased to appear before the Committee today and wish to express the thanks of the members of Virgin Islands 2000 to you, Mr. Chairman, and to the other members of the Committee, for the opportunity to bring to your attention recent developments in the continuing struggle of the people of the Virgin Islands to preserve and exercise regulatory control over one of the Territory's paramount natural resources, St. Thomas Harbour.

The issue of regulatory control of territorial natural resources and the judicious use of regulatory authority by the Government of the Virgin Islands to ensure the preservation of the unique quality of life now known in the Territory are issues which have always been central concerns for Virgin Islands 2000. Our organization came into being out of the fear of many native Virgin Islanders that the natural beauty of the islands and the way of life learned by us at our grandparents' knees is slipping away from us irreparably. Moreover, we feared the continuing loss of control by the average Virgin Islander over the economic life of our community. We have indeed reached the pass today in which we control none of the major economic resources of the Territory but are left only with the political ability to regulate the conduct of those activities that shape the economy. However, in the decades-long struggle of the people of St. Thomas against the development plans of the West Indian Company (WICO) for St. Thomas harbour, we are locked in a conflict in which even the little axe of regulatory control is absent to

(Ms. Rashid)

trim the limbs of the many branches of intensive development the company is willy-nilly forcing upon the community.

Where the community is desperately in need of affordable housing and open green space, particularly in the town of Charlotte Amalie, the company proposes to build a multi-story luxury condominium and to block visual access to the sea. In the midst of an area already snarled and congested by traffic the company proposes to introduce additional shops, restaurants and a hotel, which can only add to the confusion and impede the flow of traffic all the way into the town.

(Ms. Rashid)

In an area where fishermen traditionally dock, the Company plans a mammoth yacht marina which will forever transform the tranquil nature of the harbour, leaving tiny St. Thomas with the crowded, degraded harbour of a San Francisco.

And all of this is to be done on what were the submerged lands of the Virgin Islands, lands which, in keeping with international legal precepts, are traditionally held in trust and preserved for the benefit of all the people. In the Virgin Islands, all other submerged lands were deeded to the territorial Government in trust, for this purpose, by the administering Power.

Had the administering Power carefully scrutinized the spurious claims of the West Indian Company (WICO) to these lands, it would not have failed to perceive the weak foundation on which those claims were based at the time of the Treaty of Cession, which weak foundation has already been exposed for the Committee by the presentation of the Save Long Bay Coalition. The administering Power stood by while its courts applied solely domestic law to litigation, brought by Virgin Islanders, over rights to these lands. In this, the administering Power has twice failed its Non-Self-Governing Territory.

The massive development WICO proposes is to be done for the sole benefit of the Company, without regard to the damaging impact of such development on the surrounding community. The settlements and their addenda reached between past Governments and the Company permit WICO to operate as a country within a country.

Shut out from consideration by the Supreme Court of the administering Power on the basis that an unincorporated Territory has no automatic right to review by that Court, Virgin Islanders now have no recourse to stop the impending disaster of WICO-sponsored development but to acquire the rights of

(Ms. Rashid)

WICO over lands in the harbour by paying the Company for what should have been our birthright.

It will not surprise the Committee to learn that we are without funds for such a purchase. In a recent letter to the Secretary of State, Governor Alexander Farrelly has written to seek the assistance of the administering Power in providing funding. This correspondence has been met with silence.

Virgin Islands 2000 now informs the Committee that an alternative means of acquisition exists, and seeks the Committee's recommendation to the administering Power that due consideration and encouragement should be given to negotiations designed to make this alternative a reality. Previous attempts at involving the administering Power have not met with the kind of success that would be necessary for this endeavour to be executed.

My purpose in appearing today, therefore, is to bring to the attention of the Committee the very real possibility that the Company's assets may be purchased, as follows: in a plan already discussed with representatives of the territorial executive, we propose to pursue financing options to acquire the funding necessary to purchase the Company's assets. By the establishment of an administrative, governmental authority sufficiently independent to undertake such financing options and other necessary activities - but interlinked with the Government of the Virgin Islands, as are the several existing semi-autonomous authorities which now administer, among other concerns, water and power for the Territory - we propose to infuse into future development of commercial activity in the harbour the concerns of the people of the Territory for development of the filled lands in a manner designed to benefit St. Thomas as a whole.

(Ms. Rashid)

We need a centrally located convention hall and cultural centre; we need a park, open space and access to the sea near the town. All these needs can be accommodated on the filled land in the harbour. This proposal offers a fair value for the Company's assets and the opportunity for the Company to continue to participate in the extremely profitable tourist economy of the Virgin Islands, and restores the Government's ability to regulate its greatest natural resource, our deep-water port, for the benefit of Virgin Islanders.

As legislation is already being deliberated upon to take the filled lands from WICO by eminent domain, Virgin Islands 2000 has every reason to believe that this proposal will meet with legislative approval and be seriously considered. To date, the executive has not expressed opposition.

We now need the continued interest of your Committee and an encouragement, in the wording of a resolution from the Committee on the status of the matter, for the administering Power to seek to facilitate and assist the territorial Government in its efforts to acquire assets of WICO in St. Thomas Harbour.

WICO is a wholly foreign-owned company, the product of relationships established during Danish colonial rule. The United States Virgin Islands is similarly a product of the Congress of the administering Power. In this unique context, negotiations for acquisition must fall within the purview of the two sovereign Powers.

As stressed in an earlier statement to you by the Save Long Bay Coalition, the loss of normal regulatory authority over submerged land in a navigable waterway, the loss of control over a major natural resource to a private entity completely owned by persons foreign to the Territory and the erection of a massive commercial complex in an area already sorely lacking in

(Ms. Rashid)

necessary infrastructure - all against the will of the people and the Government of this Non-Self-Governing Territory - cannot be permitted.

We ask only the assistance necessary from the administering Power to ensure that the price of buying back our birthright is a fair one, and that such a purchase is made possible.

We thank this Committee for its continuing consideration and support.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Ron Rivera (Organization of People for Indigenous Rights) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Rivera.

Mr. RIVERA: Greetings from the Chamorro people of Guam and from the Organization of People for Indigenous Rights (OPIR). Our organization has on previous occasions appeared before the Special Committee and has provided direct insight with respect to the situation in Guam as a whole, and in particular with respect to the plight of the indigenous people of Guam, the Chamorros.

I am here today to reiterate our concerns about political and social developments in Guam, provide a more balanced view of our homeland than that normally reported before this body and, most importantly, to restate our support for Chamorro self-determination. Without the full recognition of the right of Chamorros to decolonize their homeland, any attempt to alter Guam's political status is not only baseless but inimical to the principles of human rights for which the United Nations stands.

(Mr. Rivera)

My presentation is in three parts. The first part outlines our position on Chamorro self-determination. The second discusses OPIR's position with respect to recent actions of the United States Government, including statements made here and elsewhere. Third, we examine this Committee's resolutions on Guam and how the United States has met its responsibilities under General Assembly resolution 1514 (XV) and the Plan of Action for the full implementation of that resolution as adopted by the General Assembly on 11 December 1980.

Over 4,000 years ago the Mariana Islands were settled by a group of people who came to be known as the Chamorros. Their existence was "discovered" by Europeans in 1521, and a century and a half later, in 1668, the islands were colonized by Spain. Therefore, the Chamorro people have the unfortunate distinction of being the first group of Pacific islanders to be colonized by the West.

In the ensuing 300 years the Chamorro people, without their consent, have been subject to other nations. Those nations have occupied Guam to further their own interests and pursue the extension of their political and/or economic power. Spain, Japan and the United States have all used Guam to further their own objectives. Without exception, none has demonstrated serious regard for the right of self-determination of the Chamorro people. Instead there has been a process, conscious or unconscious, which has in effect reduced the social and politcial power of the Chamorro people through the imposition of foreign institutions and the in-migration of non-natives.

Today the Chamorro people comprise less than 50 per cent of the total population of Guam. In 1940 the Chamorro people accounted for more than 90 per cent of the population. The changes that have been wrought by United

(Mr. Rivera)

States policy, particularly as a result of the building of military installations, have been enormous. Under these policies and laws, nearly all newcomers are allowed to participate in Guam elections on political status. It is a clear miscarriage of justice to allow military personnel and new residents to participate in a political status process intended only for the Chamorro people.

In its present status Guam is a colony of the United States. It will remain a colony until the Chamorro people have exercised their right to self-determination. The situation of the Chamorro people is not new in the annals of United States policy. It is similar to that of the American Indian, the Eskimo and the native Hawaiian. The end result has, unfortunately, always been the same: the subjugated people eventually become displaced in their own homeland and become a social underclass - the alienated, the landless, the uneducated, the poor and the institutionalized. That is what is happening to the Chamorro people today. It is happening because the Chamorro people are disintegrating under the pressures of social and economic change thrust upon them without their knowledge or control. It is important to understand that self-determination in this context is more than the exercise of a political principle; it is part of a larger process that will enable the Chamorro people to confront their future from a position of strength.

The relationship of the Chamorro people with the United States began with the Spanish-American War near the turn of the last century. As a result of that war, the Chamorro people of the Mariana Islands were divided. In the Treaty of Paris of 1898 Spain ceded Guam to the United States and sold the remainder of the island chain to Germany. It is instructive to note that the Treaty of Paris contained the provision that

(Mr. Rivera)

"The civil rights and political status of the native inhabitants of the Territories hereby ceded to the United States shall be determined by [the United States] Congress".

Germany subsequently lost the Northern Marianas to Japan, which obtained the islands as a League of Nations Mandate as a result of being on the side of the Allies in the First World War.

Following the Second World War the Northern Marianas were placed under the international trusteeship system created by Chapters XII and XIII of the United Nations Charter. This system was to cover Territories detached from enemy States as a result of the Second World War, Territories held under Mandate and Territories voluntarily placed under the system by the States responsible for their administration. On the other hand, Guam, as a possession of the United States, was voluntarily placed by the United States under the Declaration regarding Non-Self-Governing Territories contained in Chapter XI of the Charter.

The publication entitled The New Nations in the United Nations states that

"As a counterpoint to the trusteeship system, the Charter in Chapter XI embodied a commitment by the Members controlling Non-Self-Governing Territories to accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these Territories. Further, to achieve this goal these Members agreed to develop self-government, to assist in the progressive development of free political institutions and to transmit regularly to the Secretary-General information on the economic, social and educational conditions in these Territories".

As a signatory to the United Nations Charter, the United States bears responsibilities that are legally binding. Article VI of the United States

(Mr. Rivera)

Constitution clearly states that all treaties shall be treated as the supreme law of the land. The United Nations Charter is a treaty among nations.

To date, despite the Treaty of Paris, the democratic traditions of the United States and the United Nations Charter, the Chamorro people remain in political limbo. The United States prefers to concentrate on the importance of Guam as a strategic military location. In apparent recognition of its responsibilities, however, the United States continues to report annually to the United Nations regarding Guam and the Chamorro people.

In this century the only status change for the Chamorro people was the adoption of the Organic Act in 1950. That Act of the United States Congress declared the Chamorros to be United States citizens and provided only the basic essentials of local government. It was not ratified through any local referendum.

It is important to note that since the advent of United States rule and through United States policy, thousands of non-Chamorros have migrated to Guam. These new residents, while they may have made many important contributions to Guam, were never promised the right of self-determination for Guam. It was the Chamorro people that had the dependent relationship with the United States and to which the United States was responsible for bringing full self-government in a process of self-determination. And it was on behalf of the Chamorro people that the United States Congress wrote the Organic Act. The Chamorros have not yet determined their future, as a result of a long colonial history. The presence of thousands of individuals who are themselves part of the colonial legacy complicates the issue of self-determination on Guam. To allow them to participate in the Chamorro right of self-determination violates the very essence of an inalienable right. Such a

(Mr. Rivera)

right cannot be sold, transferred or given away. This is not a case of discrimination, as some may claim, but of the fulfilment of a legitimate promise.

The principle of Chamorro self-determination is not an idle point. Nor do we make that point contentiously. It is a part of a growing awakening in Guam that will not be stilled. Failure to recognize this principle now will only promote social disharmony. It is time for the Chamorro people to stop making sacrifices for the benefit of others. The time has come for Chamorro self-determination.

The activities in the 1970s and in the present decade relative to Guam's political status have touched on the principle of Chamorro self-determination in varying degrees. It is instructive to note that the process of political status resolution has occurred without the active involvement or encouragement of the United States. The United States has never actively pursued the question of the political status of Guam, nor has it ever seriously advertised to the people of Guam the options available to them. The entire process has emerged as a result of far-sighted Guam political leadership and the effects of surrounding political developments in Micronesia.

The much-discussed Guam Commonwealth Act is a result of that leadership. However, it must be made emphatically clear that this is a document which is based on the status choice of all United States citizens, and not based on Chamorro self-determination. It will be recalled that every eligible United States citizen, including the military and their dependants - who now number some 24,000 out of a total estimated population of some 120,000 - was allowed to vote in the so-called plebiscite wherein the status of Commonwealth was chosen.

(Mr. Rivera)

While OPIR maintains that only the Chamorro people have the right to change Guam's status from a Non-Self-Governing Territory to one considered as having a full measure of self-government based on the principle of self-determination, we are not opposed to an interim Federal-Territorial Relations Act as outlined by the present Guam Commonwealth Act. We are not opposed to the Act as written, because it acknowledges the legitimacy of Chamorro self-determination. In addition, we are fully aware that to survive as a people we must, by acquiring greater self-government, remove the colonial shackles that bind our social, economic and political development. However, it must be clearly stated that the current Act is not an act of self-determination, although it is a significant prelude to the eventual exercise of self-determination.

(Mr. Rivera)

We would also like the Committee to know that OPIR is prepared to defeat the Act if, in the final analysis, United States officials remove Chamorro self-determination from the document as presented to the United States Congress. Our position is widely supported by the Chamorro people, who have been mostly silent to this point. It is they who must be recognized and addressed in any document relating to the political status of Guam since it is they who have been promised the right to self-determination.

While our organization does not in any way recognize this act as a self-determination document, we thank the Government of Guam for its contribution in attempting to release the economic stranglehold on Guam through an agreement with the United States and for being mindful of the rights and interests of the indigenous inhabitants of Guam, that is, the Chamorro people.

The people of Guam, in adopting the proposed Guam Commonwealth Act, have sent a signal to Washington that there are serious grievances that must be addressed within a new framework of Guam-United States relations. In that message there is also unequivocal support for the exercise of Chamorro self-determination. The Commonwealth Act, if passed as introduced, will authorize the development of a constitution for Guam that will in turn provide for Chamorro self-determination. Until such time as the United States allows this to occur, Guam should not be removed from the list of Non-Self-Governing Territories.

We must also comment upon the fortunes of Guam in the political status process during this past year, the role of the United States in that process and the part played by this body's annual review of the status of Guam. We

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are fearful that various individuals and the Governments they represent may not fully understand the full dynamics of the tortuous path Guam has faced in pursuing its political status agenda. We feel that we must also remind the Special Committee of the general ignorance both the American and the Guam public have about the role of the Special Committee's annual review. It is clear that the United States Government has generally exploited this ignorance to make appearance before this body seem disloyal and dangerous.

The United States Government finds objectionable the Chamorro self-determination and "mutual consent" provisions of the Guam Commonwealth Act which give Guam the right to examine the applicability of federal legislation to Guam. Also receiving some negative reviews are control over immigration and resource provisions which grant Guam the right to control land and other resources in a way that ensures economic self-sufficiency. Presumably, such provisions will complicate the military presence in Guam. On this basis alone, it should be expected to receive a negative federal review. These objections clearly demonstrate that the military presence in Guam compromises moves towards self-determination despite the repeated protestations to the contrary by United States representatives before the Special Committee.

These objections and the manner in which they are being articulated clearly indicate that the administering Power is not examining Guam's political status process through any new framework. The requests and desires of Guam are being routed through the same bureaucratic channels and the Commonwealth Act is being treated as proposed legislation from a colony. It is not being accorded the respect and dignity of a freely arrived at document expressing the will of a people. Despite what may be reported to this body,

(Mr. Rivera)

the Commonwealth Act is being treated as a petition which can be rejected in part or in its entirety.

This is clearly put into focus when the nature of the objections are analysed. All those elements of the Commonwealth Act that would lead to real change and that have the potential for developing a partnership between Guam and the United States are being criticized. Chamorro self-determination, mutual consent, control over immigration and the management of resources are at the core of the Commonwealth Act, and it is precisely these elements that would redefine the relationship between Guam and the United States. It appears as if the administering Power wants to remove these provisions and still have an act passed that would label Guam a commonwealth. The title would be there, but the substance would have been dissipated. This must be carefully examined.

The Government of Guam has hired public relations and legal expertise to make a case for commonwealth before the American people and the United States Congress. This activity, whose expense is borne by the people of Guam, dramatizes the fact that if the administering Power were conscious of its responsibilities it would assist this small Government in shepherding its case through the Washington, D.C. maze. Quite to the contrary, the people of Guam have had to hire experts to convince various officials in the administering Power to take their responsibilities seriously. This irony is given a new twist when the entire activity is proudly reported to this body by United States representatives. One would get the impression that the administering Power is facilitating these activities when the reality is quite the opposite.

In point of fact, the entire political status process concerning Guam is being funded, encouraged and generated by the people and the Government of

(Mr. Rivera)

Guam. For the past 20 years, the administering Power has done little but react to initiatives from Guam. Since a self-proclaimed Constitutional Convention in 1969, the Government of Guam has tried in a variety of ways through local funding and local legislation to get the federal Government to recognize Guam as an entity to respect and negotiate with. The federal response has been to delay and criticize. Yet before this body the United States regularly reports these activities as if it were responsible or even a cooperative party to any political status activity.

The idea of appearing before this body is the subject of some debate in Guam. There are those who characterize this body as a group of undemocratic nations scarcely qualified to review United States policies or that its sole purpose is to embarrass the United States. We do not wish to engage in any kind of intrigue, imagined or otherwise. Suffice it to say that we appreciate the opportunity to utilize a forum in which small entities have an opportunity to present their case. Our interest is not to besmirch the name of the United States. Quite the contrary, it is to honour those principles that make it a great country. Among those principles are the idea of fair play and the exercise of true self-determination for all peoples of the world. This has been a cornerstone of United States foreign policy since the end of the Second World War. We think it should be applied to those areas that are in a state of political anomaly, areas such as Guam.

We might add that the Government of Guam has considered making a full presentation before this body. We see this as a positive step which should be encouraged and supported. We congratulate and support the Commission on Self-Determination for its foresight and fortitude on this issue. One can imagine the kind of pressure it has received not to appear before the Special Committee.

(Mr. Rivera)

It is also clear that the administering Power is laying the groundwork to remove Guam from the list of Non-Self-Governing Territories. This would eliminate any question of appearances before this body by any official of the administering Power and perhaps of the Government of Guam.

We feel it necessary to make comments on the administering Power's record in relation to the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as adopted by the United Nations in 1980. That plan outlines 20 steps which the administering Powers and member nations are supposed to be cognizant of in examining the progress of Non-Self-Governing Territories. Some of these steps are not applicable to Guam, but where they are the United States has been less than forthright in meeting this plan. In some instances there has been outright dereliction.

In particular we refer to paragraphs 2, 8 and 17 of the 1980 Plan. Paragraph 2 enjoins nations to

> "render all necessary moral and material assistance to peoples under colonial domination ... to exercise their right to self-determination and independence". (resolution 35/118, annex)

The United States has clearly not attempted this, and in fact has not contributed any assistance at all with regard to the costs connected with the political status process on Guam. It does not cooperate under the logic that it does not wish to prejudice the process, when all that is really necessary is funding and support.

Paragraph 8 enjoins Member States to

> "adopt the necessary measures to discourage or prevent the systematic influx of outside immigrants and settlers into Territories ... which disrupts the demographic composition of those Territories and may

(Mr. Rivera)

constitute a major obstacle to the genuine exercise of the right to self-determination and independence by the people of those Territories." (ibid.)

These policies have changed the nature of the demographic composition of Guam and have made self-determination incredibly complicated. It is precisely United States policies that have made it necessary to take a stand on Chamorro self-determination.

(Mr. Rivera)

Lastly, paragraph 17 enjoins Member States to cooperate with the Special Committee in keeping regular channels of communication open, including the use of visiting missions at periodic intervals. The periodic interval in the case of Guam was one visit in 1977. Perhaps the interval that the administering Power has in mind is 30 years. Where these points of the Plan are concerned, it is clear that the administering Power is a hindrance rather than a cooperative party to its implementation. Careful attention should be given to the administering Power's record in this regard in present and future reports on Guam. It seems obvious that a report on progress cannot be significant unless there are benchmarks from which to chart growth and development. The 1980 Plan can serve this overall purpose.

Our organization and the people of Guam, who are cognizant of the United Nations and its operations, eagerly await the issue of your annual reports and resolutions. These resolutions are important, because they represent the collective energy, spirit and intellect of this body as it grapples with the question of small Territories and dependencies in the world.

It is our earnest hope that the Government of the United States will follow its own advice and heed the people's wish as expressed by the voters of Guam, that is, the principle of Chamorro self-determination must remain the cornerstone of any change of Guam's political status. The Government of the United States must accept this principle, as it has been popularly supported on Guam. Only the Chamorro people were colonized by the Government of the United States, and it is only they who can legitimately decolonize Guam. United States citizens who have migrated to a Non-Self-Governing Territory, or foreigners who have become naturalized through the rule of the administering Power, do not have a legitimate or legal claim to self-determination.

(Mr. Rivera)

To the list of recommendations outlined in previous resolutions, we would like to add four of our own in order once again to reinforce the idea that a United Nations visiting mission to Guam is important and useful. In view of the lack of federal encouragement to the process concerning the political status of Guam, and the fact that full United States legal authority is needed to make the process a serious and solemn one, the Committee should encourage the administering Power to authorize and make legal a plebiscite on self-determination in accordance with the United States treaty obligations as a signatory of the United Nations Charter in accordance with United States congressional plenary power over the territories as outlined in the Constitution of the United States.

In view of the failure of the administering Power to make clear to the people of Guam their inherent right to self-determination and to inform them of their status options, and taking into account United States statements on the issue, the Committee should encourage the administering Power to fund and provide assistance to a thorough educational campaign on the available status options.

In the light of the historical record of Guam, the establishment of a fiduciary relationship between the Chamorros and the United States, and the countless documents indicating that the Guamanian people referred to as having a right to self-determination are in fact the Chamorro people, the Committee should encourage the administering Power to ensure that all binding plebiscites and referendums relating to the question of Guam's ultimate political status recognize that it is the Chamorro people who have not yet exercised self-determination, and that it is only they who shall be allowed to participate.

(Mr. Rivera)

We urge the use of the strongest possible terms regarding this matter, and we fully believe that no political status for Guam is valid that does not proceed from an act of self-determination by the Chamorro people alone.

With respect to references to the draft Commonwealth Act as conferring "upon Guam a full measure of internal self-government", it is clear that such a description is erroneous. The Act, if adopted as introduced, will provide for increased or improved self-government for Guam rather than a full measure of self-government. We therefore recommend that the Committee, when referring to the draft Commonwealth Act, use the terms "improved" or "increased" self-government. In the same spirit, careful attention must be given to the administering Power's efforts to put an end to the Committee's review of Guam's situation. We therefore strongly recommend that Guam remain on the list of Non-Self-Governing Territories subject to the provisions of the Declaration and pending the exercise of Chamorro self-determination.

We encourage and support the Special Committee's ongoing activities in examining the various aspects of Guam's development that impact upon the implementation of the Declaration. These factors include the continuing United States military presence, the United States Government land holdings, economic development, social conditions, natural resources, language, culture, as well as political development and Chamorro self-determination. It is vital that the Special Committee continue its efforts in these areas through the drafting of working papers, reports and resolutions.

The Chamorro people today continue to exist proudly despite their colonial past and present. They continue to be buffeted by changes originating from the outside and by policies not of their own making. It would be foolhardy to suggest that Guam can remain or even wants to be outside

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the reality of the changes in the world we inhabit. No one is truly an island in today's world, not even small islands in the Pacific. However, it would be a travesty of the principles of human rights, for which the United Nations stands and which the United States espouses, not to give the Chamorro people the opportunity to manage their future. In our view, this opportunity is expressed in the principle of self-determination. With it, the process of decolonization and the hopes and aspirations of a proud people become clearer and more fully realized. Without it, nothing will matter. Stuffing federal dollars into Chamorro pockets or encouraging the Chamorros to leave Guam is the current United States Government solution to Guam's political, economic and social problems. On most accounts, it is a bankrupt policy. We suggest and we offer a promising policy that is simple yet elegant - Chamorro self-determination. Support Chamorro self-determination.

The petitioner withdrew.

At the invitation of the Chairman, Mr. J. A. Gonzalez Gonzalez took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Gonzalez Gonzalez.

Mr. GONZALEZ GONZALEZ (interpretation from Spanish): A few days ago, I heard a representative in this Committee state that, according to Article 83 of the United Nations Charter, the Committee did not have jurisdiction over the Trust Territory of the Pacific Islands. This opinion is the same that I have heard so many times in the Fourth Committee and in the Subcommittee on Small Territories. A few years ago, it was expressed by the United States, which has been repeating it ever since, despite the fact that it is very easy to prove that it has no valid basis whatsoever. As I believe that facts speak louder than words - they lay conjecture to rest - I shall

(Mr. Gonzalez Gonzalez)

begin by stating that not only are the Committee of 24, the Fourth Committee and the plenary session of the General Assembly competent in this matter, more important yet, it is the bounden duty of these bodies to examine this colonial case. Let us consider the following evidence.

First, in resolution 1514 (XV), reference is made to the Trust Territories both in the fifth preambular paragraph and in paragraph 5. It is clear that this resolution is referring both to strategic and non-strategic Territories, because no distinction is made between them.

(Mr. Gonzalez Gonzalez)

The second piece of evidence is in resolution 1654 (XVI), which established this Special Committee, where we find in the third preambular paragraph reference to operative paragraph 5 of resolution 1514 (XV). More important still, operative paragraph 8 of the resolution calls upon the Trusteeship Council to cooperate with the Committee of 24 in its work. The third piece of evidence is that neither before nor after the vote on what became resolution 1514 (XV) did the United States present any objection or reservation to the inclusion of the Trust Territories. They did not do that then and it does not appear reasonable to me for them to do so now. The fourth piece of evidence is that during the first years of the existence of this Committee, the Trusteeship Council cooperated with it. For example, if we refer to documents A/AC.109/410 and 426, which are almost identical, we note the following in one of the paragraphs:

(spoke in English)

"In accordance with the wish expressed by the Council, I am prepared to discuss with you any further assistance which the Special Committee may require of the Trusteeship Council."

(continued in Spanish)

The fifth piece of evidence is that between the first years of the existence of this Committee the United States was one of its members and participated during the discussion and consideration of the Trust Territory of the Pacific Islands. We note in document A/AC.109/PV.310, page 33, that Mr. Dickinson, the representative of the United States in the Committee of 24, stated the following:

(Mr. Gonzalez Gonzalez)

(spoke in English)

"Any proposals for action made by the Subcommittee or the Special Committee with respect to the Trust Territory of the Pacific Islands must be in the form of proposals to the General Assembly and the latter could make recommendations to the Security Council."

(continued in Spanish)

Mr. Dickinson also said:

(spoke in English)

"So I think there is no contradiction in our agreement that this Committee had perfect right to discuss this Territory."

(continued in Spanish)

It is generally accepted that one piece of evidence suffices. Therefore, I think that these five examples should more than suffice.

Given these examples of evidence, it seems to me that the position of the United States in denying the jurisdiction of the Committee over this colonial Territory can only be called arbitrary. Perhaps it may be the way the United States exerts political or economic pressure on some representatives, for the less talk about and knowledge of this colonial Territory the freer the United States will be to do what Wall Street and the Pentagon want to be done. Although I consider the proof I have presented to be irrefutable, that does not lead me to believe that the United States will immediately change its tune. As the saying goes, a leopard cannot change its spots.

Last year on 6 December, I had the opportunity to see a very revealing programme on the Marshall Islands, one of the four entities that make up the Territory we are considering. The negative impression that the film gave me was such that I felt it my duty to try to obtain a copy of the programme to be

(Mr. Gonzalez Gonzalez)

able to show it today to the members of the Committee of 24. I failed. However, I did get the script of the programme which I intend to distribute for the benefit of all concerned. The Marshall Islands, as we all know, has applied for admission to the United Nations. But I shall speak later of that, because it appears that unforeseen problems have arisen, as some would say. Others might say that these problems were foreseen, problems with respect to the petition of this Territory or country. With respect to the script I mentioned, members will doubtless note the introductory words where the administering Power is accused of acting to destroy the lives of the inhabitants of the islands. They will doubtless note, too, the plans to send to these islands every year approximately 3 million tons of highly toxic waste picked up from around the western part of the United States. I would suggest that the Committee of 24 obtain and use two or three videotape copies of this programme in order to demonstrate to those who are not very much aware of what colonialism really is this particular aspect of colonialism, which is one of the most painful aspects of colonialism.

On 22 December 1990, the Trusteeship Council - or really the United States of America - succeeded in having the Security Council liberate from this country three of the four entities in which the Territory had been divided. That was done two days before Christmas, when hardly anything was going on at the United Nations and despite the fact that the Governor of the Mariana Islands, supported by the President of the Senate of Palau, asked that no action be taken on what was proposed by the Trusteeship Council, or actually by the United States. The petition of those two dignitaries was not considered, nor was the petition of the revolutionary Government of Cuba and its request that these two petitions be heard and that final action on the

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Territory be postponed. The United States thus succeeded in putting the Security Council in its pocket, as it were, but it did not succeed in putting Cuba in its pocket, for Cuba voted against what was decided there.

Since the subject of decolonization is of great interest to me and as I did not quite understand what had happened in the Security Council - and I still do not understand what happened, to be absolutely frank - I decided to contact the President of the Security Council to see if he would be so good as to explain to me exactly what had happened and what had really become of the status of the three entities, that is, what was then the true legal political status of each of them.

(Mr. Gonzalez Gonzalez)

Before continuing I should like to point out that two dignitaries who requested postponement of the discussion on the Territory were the Governor of the Mariana Islands, Mr. Lorenzo I. de Léon Guerrero and Mr. Joshua Koshiba, President of the Senate of Palau.

In the letter which I sent to the President of the Security Council on 29 May 1991, I asked the following questions:

(spoke in English)

"What is now the true political and juridical status of the Federated States of Micronesia?

"Did it become a free, sovereign and independent nation?

"Did it become integrated to a free, sovereign and independent nation?

"Did it achieve free association with an independent State?

"To summarize: Did the Federated States of Micronesia acquire a status identical to any of the three included in Principle VI of General Assembly resolution 1541 (XV)?"

(continued in Spanish)

I then formulated exactly the same questions on the Marshall Islands and the Marianas. Sixty-three days later I received a reply, or actually a non-reply, as can be seen in the second paragraph of the short two-paragraph letter sent me which says:

(spoke in English)

"Enclosed herein please find the documents of the Security Council and the Trusteeship Council relevant to the above-mentioned decision. These documents, together with the resolutions stated in the footnote of resolution 683 (1990) provide useful information relevant to the

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questions raised in your letter about the present status of the Trust Territory of the Pacific Islands."

(continued in Spanish)

It was 63 days before I received this non-reply, which makes me suspect that the Security Council really does not know what has become of these entities; and does not know whether they have become Non-Self-Governing Territories with their foreign relations and defence in the hands of the United States or have been transformed into something else. This non-reply makes me suspect, finally, that the Security Council has perhaps let itself be trapped for the second time in less than a year in the serpent's nest as happened when it declared not peace but war on a Member of the United Nations known to us all.

As we all know, two of the entities of the Trust Territory have requested admission to the United Nations as regular and legitimate Members. The fact that a decision by the Security Council is being postponed makes me suspect that perhaps all that glitters here is not gold and that the intent is to hoodwink the current 159 Members of the United Nations.

Nothing would make me happier than to be wrong here, because nothing would make those of us who are sons of enslaved motherlands happier than to witness the birth of new free countries. May God grant these beautiful dreams and may the United Nations continue giving birth to free, sovereign, independent countries. What would make us very sad would be if we had to continue fooling ourselves into thinking we are free when we are not.

If the Marshall Islands and the Federated States of Micronesia are free, sovereign and independent, then let them join the United Nations with all the

(Mr. Gonzalez Gonzalez)

rights and privileges of membership, but if they are not free and if all of this has just been a total or partial fraud, then let them be denied admission and let them continue their struggle for freedom together with those of us who are still continuing in that struggle.

The petitioner withdrew.

The CHAIRMAN: On behalf of the Committee and on my own behalf, I wish to express our appreciation to the petitioners for their statements and the information they have furnished to the Committee.

REQUESTS FOR HEARING

The CHAIRMAN: I wish to draw members' attention to a communication containing a request for hearing relating to Western Sahara. It has been circulated in aide-mémoire 21/91. If I hear no objection, I shall take it that the Committee accedes to the request.

It was so decided.

QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES (A/AC.109/L.1758) (continued)

The CHAIRMAN: If I hear no objection, I shall take it that the Committee is prepared to adopt draft resolution A/AC.109/L.1758 without a vote.

Draft resolution A/AC.109/L.1758 was adopted.

The CHAIRMAN: The Committee has thus concluded consideration of the item.

285th REPORT OF THE SUBCOMMITTEE ON PETITIONS, INFORMATION AND ASSISTANCE (A/AC.109/L.1760) (continued)

The CHAIRMAN: If I hear no objection, I shall take it that the Committee adopts the report (A/AC.109/L.1760) and endorses the conclusions and recommendations contained therein.

It was so decided.

QUESTION OF THE FALKLAND ISLANDS (MALVINAS) (A/AC.109/L.1767)

The CHAIRMAN: I wish to inform members that I have received a request from the delegation of Argentina to participate in the Committee's consideration of the item. If I hear no objection, I shall take it that the Committee accedes to the request.

It was so decided.

At the invitation of the Chairman, the delegation of Argentina took a place at the Committee table.

Ms. BERMUDEZ (Cuba) (interpretation from Spanish): My delegation wishes to endorse the statement made by 20 Latin American States on 2 September 1983 during a meeting of the Fourth Committee of the General Assembly, concerning the lack of representativity of the British petitioners residing in the Malvinas. Since then, that statement has been reiterated, as it is being today, in every meeting of the Fourth Committee and of this Committee when the question of the Malvinas is considered.

The CHAIRMAN: In accordance with decisions taken at the 1381st, 1383rd and 1386th meetings, on 1, 7 and 8 August respectively, the Committee granted the requests for hearing relating to this item contained in aide-mémoire 13/91 and addendum 1.

At the invitation of the Chairman, Ms. Norma Edwards (Falklands Islands Legislative Council) and Mr. D. Lewis Clifton took places at the petitioners' table.

The CHAIRMAN: I call on Ms. Edwards.

Ms. EDWARDS: May I thank you for allowing me this opportunity to speak on behalf of all Falkland Islanders to the Special Committee.

I am a member of the Legislative Council. I was first elected to it in 1985, as a member for the Stanley constituency. I resigned from that term of office after 18 months, when my husband retired as a Lieutenant Commander in the Royal Navy, and we purchased a subdivision farm at Foxbay West on the west islands. I was re-elected in the 1989 General Election, to the Camp constituency, and have since served on the Executive Council, the policy-making body of the Falkland Islands Government.

I am a State-registered nurse and midwife, although I no longer nurse. Outside of Council work, my time is taken up helping my husband on our sheep farm.

(Ms. Edwards)

My family at present growing up in the Islands is the sixth generation, and the future for them holds all kinds of opportunities that were not available in the past. The Falkland Islands Government provides them with an excellent education, and further education of their choice in the United Kingdom. My eldest daughter commences a university degree course in agricultural science in September, whilst my youngest daughter hopes to read medicine. I mention this because both my children hope to return to the Islands to follow their chosen professions.

Each year, the number of children seeking further education increases, and we welcome and encourage this. Further education is funded by our Government, with financial help from the British Council. From 1992, all education, whether at home or abroad, will be solely funded by the Falkland Islands Government.

A recent census undertaken in the Islands shows an increase in the resident population of 20 per cent since the last census, in 1986. This figure excludes all military and contract labour.

While we welcome the better relations which have been established between Great Britain and Argentina, I am here to reiterate - yet again - that the Falkland Islanders do not want closer ties with Argentina. We are well content to be British citizens and to uphold our allegiance to Her Majesty the Queen and Her Government. We do not feel we have anything in common with Argentina, other than the geographical fact that we have some miles of the south-west Atlantic Ocean between us. Unless Argentina has sense enough to discontinue its claim of sovereignty over our Islands, this state of affairs between us will continue.

(Ms. Edwards)

I am sure our wishes to decide our own destiny, in our own country, under British rule, are well known, and I am surprised that a body like the Special Committee never seems to uphold the right of the Falkland Islands people to self-determination. One of the cornerstones of the United Nations Charter is that the peoples of the world have the right to self-determination. There are few of us, living next to a powerfully large neighbour that has designs on our small islands. However, the fact that we are a small country should not detract from our right to self-determination.

The Argentines have a beautiful country, rich in agricultural land and mineral wealth. They should be virtually self-sufficient, and yet their economy is, it seems, in a state of chaos. Is it any wonder that we have no wish to be taken over by a country whose political history has been so unstable, and whose economy is shaky, to say the least?

In 1992, which we have declared heritage year, we will be celebrating the first sighting of the Falkland Islands 400 years ago by Captain John Davis in his ship, the Desire; the 100th anniversary of the founding of the Falkland Islands Defence Force; the 100th anniversary of the consecration of Christ Church Cathedral; and the tenth anniversary of our liberation from Argentine occupation.

We have been accused recently of being intransigent and inward-looking. I do not believe we are. We have very good relations with our neighbours, with the exception of Argentina, and we have offered Argentina scientific data about fish stocks in the south-west Atlantic which has cost us a great deal of money to obtain; we are willing to share with Argentina information on the fisheries in that area which will be to our mutual benefit.

(Ms. Edwards)

But, it must be clearly understood by Argentina, and this Committee, that we are not prepared to entertain any suggestion of a change in sovereignty. Recently, Mr. Garel-Jones, the United Kingdom's Minister of State at the Foreign and Commonwealth Office, said that talks about sovereignty are out of the question. We take great comfort from this statement: at present, the discussion of sovereignty of the Islands has been put under an umbrella, and we sincerely hope that this umbrella does not begin to leak, and that discussions about sovereignty are not dragged to the fore again by Argentina.

We welcome the minimal presence of the United Kingdom military forces, which provide a sufficient deterrent to distance aggressors from our shores; we are happy for that presence to be maintained for as long as we consider necessary.

In 1992, we will be funding all our ongoing projects ourselves. We are suffering the results of the world-wide recession in the wool industry, but we are managing to support our farming community.

Government this year has purchased the remaining farms that were owned by the Falkland Islands Company. A company called Falkland Landholdings has been set up to handle the management of the farms. It is hoped that in due course this land will be sold to individual farmers.

Since 1982, a great deal has been achieved in the Islands. Most of the roads in Stanley have been renewed and repaired; housing has increased by 60 per cent. Most of the new houses have been funded through Government, some for the Government housing pool, some for sale to private individuals. We are encouraging people who rent Government houses to buy their own homes rather than rent them. Private individuals are also offered generous terms to purchase plots of land and build their own houses.

(Ms. Edwards)

We have a new water filtration plant for Stanley, and have renewed old water pipes throughout the town. New generators have been installed in the power station to cope with the increased demand for electricity.

A new secondary school is under construction which will enable our children to enjoy a wider-ranging syllabus and better facilities than they enjoyed in the past. The school will also incorporate a community centre, squash courts and a community library. We now also have an indoor public swimming pool.

Our old hospital was, unfortunately, burned down in 1984. We now have a modern, well-equipped new hospital, which is run jointly by civilian and military staff and can offer excellent medical and nursing care, not only to our own people, but also to many thousands of foreign fishermen.

The Cable and Wireless Company is in the process of completing the installation of a sophisticated telephone system.

We are well aware of the fact that the majority of our revenue comes from fisheries. We will continue to do all in our power to safeguard the fish stocks in our area. But we are not content to sit back and accept that our financial future rests only with the revenue we obtain from fishing: we will look to any sound financial proposition which may arise, whether in the agricultural field or perhaps from hydrocarbons - if in due course that proves to be a viable proposition. We feel we have a good future to offer our younger generation.

There is plenty of opportunity for local investment. Our inflation rate is currently running at 7 per cent.

(Ms. Edwards)

I hope I have spelled out the reasons why we desire to live our lives under British rule. If we are thought intransigent because we refuse to have closer contacts with Argentina, so be it. Only a madman would invite into his house someone he knows wants to steal not only his house but his land as well.

I would respectfully suggest to Argentina, which is on the whole a good Catholic country, that they read and obey the tenth commandment, which says "Thou shalt not covet". If they could only be content sorting out the problems in their own vast and beautiful country there would be no contention between us.

On this, my first visit to the United Nations, I thank members for listening to me.

The CHAIRMAN: I call on Mr. Clifton.

Mr. CLIFTON: I am grateful for this opportunity to address the Special Committee and speak to the draft resolution before it.

My name is Lewis Clifton and I was invited, as a resident of the Falkland Islands, to speak here today by the elected members of the Legislative Council of the Falkland Islands. I have served as an elected member of both the Legislative and the Executive Councils of the Falkland Islands; during that time I addressed the question of the Falkland Islands at the Fourth Committee debates, in 1985 and 1986. During the years 1987 to 1990 I was the Falkland Islands Government representative in London. Last year I addressed this Committee on the Falklands question. I am currently a student at the London School of Economics.

My British and Norwegian forebears settled in the islands during the late 1800s, and my family has lived there continuously since then.

(Mr. Clifton)

All too frequently the smallness and the extraction of our population are used as a means of suggesting that we are not entitled to the right to our home and that we should not enjoy the right to self-determination as enshrined among the principles of the United Nations Charter. The Falkland Islands Constitution Order of 1985 states:

> "All peoples have the right to self-determination, and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

We exercise this right and in so doing choose not to have political, social, cultural or economic relationships with Argentina. We look to the United Nations to uphold our right to self-determination and to promote it in conformity with the provisions of the Charter of the United Nations.

Falkland Islanders have lived peacefully in the Falkland Islands for more than 150 years. We have developed our own distinct culture and institutions. But whilst we are a people in our own right we choose to maintain our traditional links with the United Kingdom.

Those ignorant of the facts of living in the Falkland Islands say that the absence of a relationship with Argentina creates hardship and suffering for the islanders. That is simply not so. We enjoy the benefits of our own sophisticated modern hospital, modern secondary education to be supplemented in the new year by a new 10-million-pound college facility financed by the Falkland Islands Government, twice weekly air travel to the United Kingdom and twice monthly flights to Punta Arenas in Chile. Demand for services is therefore being met with supply. Sea connections with Chile and Uruguay are provided for on an irregular basis.

(Mr. Clifton)

The economic success has been due to two factors: first, the establishment of the Development Corporation, providing for economic development and diversification of industries whilst maintaining the Islands' traditional way of life; and, secondly, the introduction of the Falkland Islands Interim Conservation and Management Zone in 1987, augmented by the Falkland Islands Outer Conservation Zone late last year. We still hope the United Kingdom Government will declare a 200-mile exclusive economic zone.

Diversification of current industries has about reached its peak. The Islands' budget today relies heavily on fishing-licence revenues for its recurrent and capital expenditure programmes. A negative budget realized in 1990-1991, brought about by the unexpected yet most welcome purchase of the final major absentee-landlord farmland from the Falkland Islands Company, is about to be followed by a forecast 1-million-pound surplus this current financial year. Island reserves currently stand at 32 million pounds sterling. This leaves the Islands in a precarious financial position, because 65 per cent of forecast revenues are derived from migratory fish resources.

The Islands must seek to diversify further. This can only come about by more encouragement and better active support by Falkland Islands registered companies in the fishing sector and the commencement of some offshore geological surveying for mineral resources. Islanders are actively campaigning for continental-shelf rights as defined under the United Nations law of the sea.

Economic success has not been without social costs as we seek to maintain a relatively uncomplicated lifestyle for the benefit of future generations. However, success has provided for options for change, and perhaps in no other

(Mr. Clifton)

area is this more evident than in the Islands' administrative structure where many former expatriate-held positions have been successfully filled by islanders.

Islanders have welcomed the bilateral arrangements between the Governments of the United Kingdom and Argentina. However, they are concerned as to the capacity and limitations of the sovereignty "umbrella". It is because of this that islanders feel forever bound, despite recent assurances from British Government Ministers, to exercise the opportunity to petition the Special Committee.

The question of the Falkland Islands has been on this Committee's agenda for a long time, and it seems unlikely to disappear quickly. Despite previous assurances that the Falklands issue is low on the Argentine foreign policy agenda, it has through the very draft resolution before the Committee today been placed at a higher and more immediate level. The Argentines are clearly upset that the bilateral improvements have not provided for any movement on the Falklands question. Movement on that question is precisely what Falkland Islanders are most fearful of. We do not want to become Argentines.

The petitioners from Argentina the Committee will hear today will doubtless suggest all manner of good reasons - good only in their or their Government's eyes - why the Falkland Islands should become part of Argentina. Their forebears chose to go and live in Argentina just as many European settlers chose to go and live in other, now independent and democratic countries of the world. It was an exercise in freedom of choice. The Falkland Islands' choice is to maintain the status quo. We want to remain British and maintain our traditional links with the United Kingdom.

(Mr. Clifton)

It is all a question of the right to self-determination. The United Nations Charter provides for this, yet the Argentines clearly interpret it in a different manner. Did they permit the Falkland Islanders to exercise that right when they so coldly and calculatingly invaded my homeland in 1982? No, they did not, and that is precisely why two permanent residents, as representatives of the Falkland Islands, have sought to speak here today.

Councillor Edwards spoke of the fear of a leaky "sovereignty umbrella". This can best be summarized by a statement in our Legislative Assembly recently by a member who said, "The only rain I want to see fall on the Falkland Islands is the reign of a British monarch".

We know the Argentine claim to our islands is unlikely to go away, and that is why we will be forever resolute in saying that we do not want to become Argentines. Nor do we wish to see a change in the sovereign status of our homeland.

The petitioners withdrew.

At the invitation of the Chairman, Mr. Luis Gustava Vernet took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Vernet.

Mr. VERNET (interpretation from Spanish): It is an honour for me to be here and I would like to thank the Special Committee for allowing me to address it as a petitioner.

As an Argentine citizen and a great-great-grandson of Don Luis Vernet, the first Governor of the Malvinas Islands, I am interested and concerned about everything regarding the archipelago.

I am here to request that through negotiations an end be put to the colonial status of the Malvinas Islands and the current dispute about sovereignty over it and that the political, economic and social relations with the continental territory of Argentina be normalized.

I am living evidence of the fact that there are Argentine citizens who peacefully settled and progressed in these islands and were forcibly expelled from their homes.

I come to speak not about the juridical aspect, which has been explained many times by prestigious men from my country, but about the real and human aspect and its meaning to the Argentines.

In 1829, before he was appointed Governor by the Argentine Government, Luis Vernet was living peacefully with his wife and children in the Malvinas Islands, dedicated to their progress and development. At the same time, a significant stable population was formed and achieved important results and benefits from their daily labour.

After Vernet had been appointed Governor, Port Soledad, in the midst of the Southern Seas, developed its potential under his leadership. The bases for future wealth were established, creating under the Argentine flag a

(Mr. Vernet)

fishing fleet involved in catching whales and sea lions, which abounded in our territorial waters, and regulating fishing so as to avoid exterminating these species. Likewise, the first farms were established, and land was classified and distributed among the inhabitants.

There was order and prosperity. As Governor, Vernet officially informed the Government at Buenos Aires, in letters dated 29 December 1829 and 25 August 1830, about improvements in the islands and requested protection owing to constant violations of the fishing laws.

We should point out a fact that is not very well known but which clearly demonstrates, among other things, the Argentine presence in the archipelago. Vernet sent a ship from Port Soledad to the Georgia Islands to help nine persons who had been shipwrecked there for 15 months and rescued them.

It is clear that Argentina had exercised sovereignty in the Georgia Islands and that seafarers of the time knew that they could count on the Argentine authorities in the Malvinas Islands when they needed help. Likewise, they knew that there was a happy and progressive population living there which did not suspect the coming of troubled times because of foreign intervention.

Today representatives of the islands have been coming to this international forum seeking recognition by the world community, saying that they are British and wish to remain so and requesting self-determination in spite of the fact that their legal relationship to the territory they occupy is questionable.

Argentina understands that its claim to sovereignty over the Malvinas Islands is of concern to the present inhabitants. For that reason Argentina believes that their interests should be taken into consideration in such a way that their lives will not undergo substantial change.

(Mr. Vernet)

We are happy to see the increased progress and prosperity in the islands after long periods of suffering. However, we should like to point out the different Argentine circumstances as regards the British position, since there are no citizens in the islands coming from the continental territory of Argentina as they were never allowed to establish themselves there.

Before Argentina's birth as an independent nation, the many British citizens living in Argentine territory were allowed to develop thanks to constitutional laws and privileges. Today they are part of an important community living together with others in a pluralistic system that typifies our culture and diverse facets.

The seizure and usurpation of the Malvinas Islands by Great Britain and the displacement of the population made up of Argentine citizens are well-known facts.

Argentina never condoned the aggression and illegal occupation of the islands by the United Kingdom. Since 1833, on every possible occasion it has officially protested to the British Government and made its claim for the return of the archipelago. However, through the years the United Kingdom showed no interest or disposition to resolve the existing controvery over sovereignty.

Coming back now to the Argentine military and political commander in the Malvinas Islands, of whom I have the honour to be a descendant, it is clear that its capital at the time, Port Soledad, administered the territory with prudence and a sense of progress. The chief activity was cattle-raising; other activities included fishing and sea-lion hunting, not only in the Malvinas Islands but also the Estates Islands, which, with the other islands, came under the same administrative region. The population was fixed and

(Mr. Vernet)

stable. There were also hunters, seafarers, scientists and merchants, who were allowed to settle on a seasonal basis - something which Argentine citizens are unable to do today.

The products of the islands were sent not only to Buenos Aires but also exported to Brazil, Europe and the United States. It is fitting here to quote the opinion of the British navigator, Fitzroy, who was invited by Vernet when he arrived in the Malvinas:

> "His house is large, with only one floor and thick stone walls. I found there a good library with Spanish, German and English books. During lunch we enjoyed cheerful conversation in which Mr. Vernet and his wife took part, as did Mr. Brisbane and others. At night there was dancing and music. In the room there was a grand piano. Mrs. Vernet, who was from Buenos Aires, sang beautifully, which sounded a little strange in the Malvinas Islands, where we expected to find only sea lion hunters".

The question of the Malvinas Islands is a typical case of colonization through usurpation. The British occupied them by force, expelling the whole established Argentine population and leaving behind a British garrison. Years later they began to send their own citizens under contract to a commercial company, whose goal was to exploit the riches that the Argentines were forced to abandon.

Today the Malvinas Islands are out of their natural context, namely, the Argentine Republic. Its inhabitants are dependents of the United Kingdom, under the typical limitations of a colonial system. Although it has improved in some aspects, it is still a colonial system under and dependent on the United Kingdom.

(Mr. Vernet)

At this time, when we are witnessing the rebirth of a new humanism and the strengthening of democracies throughout the world, it is totally anachronistic for the United Kingdom to persist in keeping the Malvinas Islands under its colonial rule, thereby avoiding an agreement with the Argentine Republic, which is claiming them in accordance with the principle of justice and peace among peoples. The men and women currently inhabiting the Malvinas can rest assured about their legitimate rights and dignity, as the Argentine Republic, its people and authorities fervently wish to uphold democracy, the rule of law, liberty and justice. The solution to the dispute would not adversely affect them. On the contrary, it would be a boon to them. For all these reasons, I am requesting that the Committee urge the United Kingdom to enter into appropriate negotiations on the question of the Malvinas with the Argentine Republic, as recommended by all the relevant General Assembly resolutions.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Juan Scott took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Scott.

Mr. SCOTT: Thank you very much for accepting my request to be heard by the Committee.

I address you today as a member of a Malvinas Islands family who emigrated to the Argentine mainland, owing to the poor prospects for progress that the colonial structure of those islands offered at the time. I also speak as an inhabitant of the province of Santa Cruz, which is the nearest part of Patagonia to the Islands. I am motivated and encouraged to express my opinion on the sovereignty dispute over the archipelago, particularly as I have relatives still living there.

(Mr. Scott)

The long-standing dispute over the Malvinas Islands is a matter of preoccupation for all the inhabitants of the region. My family was established in Puerto San Julian in the province of Santa Cruz, which is where Magellan spent the winter of 1520 when looking for a way through to the Pacific, and also when, because of disagreements with his Commander, Esteban Gomez abandoned the expedition, sailing back to Europe. That is when he sighted the Malvinas Islands as he sailed by them, 72 years before John Davis.

It is not my purpose to talk about world history in this statement, but rather to present my thoughts on how once and for all we should come to an understanding on this controversial question.

The British Government has not always shown consideration for the Malvinas islanders. My countrymen - the Argentines - have been and are willing not only to respect the islanders and their way of life, but also to be able gradually to share resources and cooperate in all fields.

We all remember the close contacts we had for many years before 1982, the year in which war broke out, a war that I myself did not justify, just as I never justified Britain's taking over the Malvinas by force in 1833.

Argentina has never signed away its rights of ownership of the Malvinas. Instead, it has constantly protested against the illegal and continued British occupation of the Islands. The Argentine Republic is at present striving to become the prominent country it used to be. Democracy has come to stay, and the world knows that we are working hard for it. We are conscious that it is not an easy job, and that it will take time. Moreover, we are convinced that this is the only way to make progress in the eyes of the world and demonstrate that we are responsible and capable enough so that, some day, the Malvinas

(Mr. Scott)

Islands can be integrated into the Argentine mainland and the South American continent.

The Argentine Republic is already able to foster progress in the region. In many respects we enjoy excellent conditions for doing so, particularly in advanced sheep breeding and in communications. It is interesting to note that Argentine studs and a part of their flocks have improved over time through breeding with the best sheep from Australia and New Zealand.

As to communications, both communities have had good experiences in the past, and we are most willing to renew them as soon as possible.

The United Nations has a very clear interpretation of the question of the Malvinas Islands, which is to be considered within the context of decolonization, and calls for a negotiated settlement that would fully respect the territorial integrity of Argentina.

The Argentine position is buttressed by a number of General Assembly resolutions and by historical claims that go back to the colonial era. These resolutions have called upon both sides to negotiate, which means that the United Nations has deemed Argentina's case to be well founded.

The Government of Great Britain, which through the years has advanced various arguments to justify its sovereignty over the Malvinas, now refers to the right to self-determination. British law recognizes that the Malvinas islanders are British. To assert that the British settlers in the Malvinas have the right to self-determination and that their wishes must be considered paramount is equivalent to saying that a particular group of British citizens can be arbiters in a dispute between their own country and another country.

(Mr. Scott)

The Malvinas islanders cannot have rights different from those of their fellow countrymen. Of course, those British islanders have interests, and they must be fully considered, but they cannot be allowed to act as arbiters in a territorial dispute between both countries.

There are important economic aspects in the region that we must not forget to mention today: fishing and hydrocarbons.

In what concerns fishing, I am pleased to say that information has been published about some agreements that have been signed between the Argentine and British Governments, agreements that are the consequence of a dialogue which is being enriched day by day and which I hope will increase.

Referring to hydrocarbons, there are many reasons why a fruitful dialogue should also take place. If the British Government acts unilaterally, there is no doubt that a troublesome atmosphere between the two countries would lead to the erection of an unnecessary barrier to the solution of more important affairs to be resolved through cooperation.

Both Argentina and Britain have had in past years an intensive and rich relationship based on economic and cultural agreements. A great number of British citizens and their descendants live in great comfort in my country, and are protected in the same way as any other Argentine citizen. I am convinced that this is a problem which ought to be handled through negotiations aimed at reaching a compromise acceptable to both sides.

The world is in great need of peace and understanding, and I know that this Committee can do a great deal to promote a solution of this question.

That is why, honourable gentlemen, I encourage you to intensify your assistance for a just and lasting solution to the sovereignty dispute over the Malvinas Islands.

The petitioner withdrew.

The CHAIRMAN: We have now concluded the hearings on the item.

On behalf of the Committee and on my own behalf, I wish to express the Committee's appreciation to the petitioners for their statements and for the information they have furnished to us.

If there are no speakers at this time, the Committee will continue consideration of the item at a subsequent meeting with a view to taking action thereon.

The meeting rose at 1.25 p.m.